

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

248A0278

SENATE ENGROSSED NO. **SB103** - 1/31/97

Introduced by: Senators Whiting, Dennert, Ham, and Munson (David) and Representatives Duniphan, Brosz, and Koetzle

1 FOR AN ACT ENTITLED, An Act to increase the penalty for a driver of a motor vehicle who
2 eludes a law enforcement officer.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-33-18 be amended to read as follows:

5 32-33-18. Any driver of a motor vehicle who intentionally fails or refuses to bring ~~his~~ a
6 vehicle to a stop, or who otherwise flees or attempts to elude a pursuing ~~police~~ law enforcement
7 vehicle, when given visual or audible signal to bring the vehicle to a stop, ~~shall be~~ is guilty of a
8 ~~misdemeanor~~ felony as provided by § 32-33-19. The signal given by the ~~police~~ law enforcement
9 officer may be by hand, voice, emergency light or siren. The officer giving ~~such~~ the signal shall
10 be in uniform, prominently displaying ~~his~~ a badge of office, and ~~his~~ the vehicle shall be
11 appropriately marked showing it to be an official ~~police~~ law enforcement vehicle.

12 Section 2. That § 32-33-19 be amended to read as follows:

13 32-33-19. Any person who flees from or attempts to elude a ~~police~~ law enforcement officer
14 under the circumstances described in § 32-33-18 is guilty of a Class 1 misdemeanor. In addition
15 to ~~such~~ that penalty, the court shall order that the defendant's driving privilege be suspended for

1 ~~thirty days~~ one year. However, the court may in its discretion issue an order permitting the
2 person to operate a motor vehicle for purposes of the person's employment during the hours of
3 the day and the days of the week as set forth in the order. ~~The court may also order the~~
4 ~~revocation of the defendant's driving privilege for a further period not to exceed one year or~~
5 ~~restrict the privilege in such manner as the court determines for a period not to exceed one year.~~
6 For any subsequent violation of this section, if, in the course of fleeing or eluding, death or great
7 bodily injury results, the defendant is guilty of a Class 4 felony; and if, in the course of fleeing
8 or eluding, substantial bodily injury or property damage in excess of two thousand dollars results,
9 the defendant is guilty of a Class 5 felony. In addition to that penalty, the court shall order that
10 the defendant's driving privilege be suspended for five years.

1 **BILL HISTORY**

2 January 21 - First read in Senate and referred to Judiciary. S.J. 77

3 January 24 - Scheduled for hearing.

4 January 24 - Passed, AYES 6, NAYS 0. S.J. 154

5 January 27 - Second reading Senate. S.J. 180

6 January 28 - Second reading Senate. S.J. 198

7 January 28 - Intent to reconsider. S.J. 198

8 January 29 - Reconsidered (vote by which passed/lost), PASSED, AYES 25, NAYS 9. S.J. 209

9 January 29 - Second reading Senate. S.J. 222

10 January 30 - Second reading Senate. S.J. 245

11 January 30 - Passed as amended, AYES 30, NAYS 4. S.J. 245